

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRADLEY C. SMITH, derivatively on  
behalf of FRANKLIN CUSTODIAN  
FUNDS,

Plaintiff,

No. C 09-4775 PJH

v.

**ORDER**

FRANKLIN/TEMPLETON  
DISTRIBUTORS, INC., et al.,

Defendants.

The court is in receipt of a chambers copy of the declaration of Janine L. Pollack in opposition to defendants' motion to dismiss. The declaration includes exhibits. The exhibits are not tabbed. A declaration or request for judicial notice with attached, untabbed exhibits is not in a format usable by the court. The court will consider the contents of the exhibits only if defendant submits a copy with tabbed exhibits, no later than February 18, 2010.

**IT IS SO ORDERED.**

Dated: February 17, 2010



PHYLLIS J. HAMILTON  
United States District Judge